

# DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

## MODULO DI DICHIARAZIONE PER DOMANDA DI BREVETTO

### ITALIAN LANGUAGE DECLARATION

Io, sottoscritto inventore, dichiaro con il presente che:

As a below named inventor, I hereby declare that:

Il mio domicilio, recapito postale e cittadinanza sono quelli indicati in calce accanto al mio nome.

My residence, post office address and citizenship are as stated below next to my name.

Che mi reputo in buona fede essere l'inventore originario, primo e unico (qualora un solo nominativo appaia elencato appresso) o il coinventore (qualora i nominativi siano più di uno) primo e originario dell'invenzione da me rivendicata, e per la quale faccio domanda di brevetto. Tale invenzione è chiamata:

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD TO CONTROL GENE EXPRESSION IN BACTERIA  
NAMESLY RHIZOBIACEAE, TO IMPROVE ROOT NODULE DEVELOPMENT.

E la sua descrizione è allegata alla presente Dichiarazione a meno che non sia spuntata la seguente casella:

the specification of which is attached hereto unless the following box is checked:

(...) il  
è stata depositata una domanda di brevetto  
statunitense numero o una domanda di brevetto  
internazionale PCT numero  
che è stata modificata il  
(se del caso)

(x) was filed on NOVEMBER 8, 1999  
as United States Application Number  
or PCT International Application Number  
PCT/IT99/00355  
and was amended on  
(if applicable)

Dichiaro inoltre con il presente di aver letto e compreso il contenuto della descrizione sopra indicata, comprese le rivendicazioni, come rettificata da qualsiasi emendamento a cui si sia accennato sopra.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

Riconosco il mio dovere di rivelare informazioni che costituiscano materiale per l'esame della presente domanda secondo i termini del Titolo 37, Codice dei Regolamenti Federali, Comma 1,56(a)

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1,56(a).

## Italian Language Declaration

Con il presente rivendico i benefici di priorità per l'estero come stabilito dal Titolo 35, Codice degli Stati Uniti, Comma 119 per qualsiasi domanda di brevetto (o brevetti) straniera o per qualsiasi certificato di invenzione sotto elencato, ed ho anche elencato qui sotto tutte le domande di brevetto e certificati d'invenzione stranieri aventi una data di presentazione anteriore a quella della domanda per la quale si rivendica la precedenza:

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior foreign applications  
Domande all'estero precedenti

Priority claimed  
Priorità rivendicata

(Number) (Numero)	(Country) (Paese)	(Day, Month, Year Filed) (Giorno, Mese, Anno di Deposito)	(X) Yes	(...) No	(...) Yes	(...) No
BE 98830674.2	EP	9 - NOVEMBER - 1998				
(Number) (Numero)	(Country) (Paese)	(Day, Month, Year Filed) (Giorno, Mese, Anno di Deposito)	(...) Yes	(...) No	(...) Yes	(...) No
(Number) (Numero)	(Country) (Paese)	(Day, Month, Year Filed) (Giorno, Mese, Anno di Deposito)	(...) Yes	(...) No	(...) Yes	(...) No

Con il presente rivendico il beneficio previsto dal Titolo 35, Codice degli Stati Uniti, Comma 120, per qualsiasi domanda (o domande) di brevetto sotto indicate, ed entro i limiti nei quali il materiale indicato in ciascuna delle domande di brevetto non è stato rivelato nella precedente domanda di brevetto americana nel modo previsto dal primo paragrafo del titolo 35, Codice degli Stati Uniti, Comma 112, riconosco il mio dovere di rivelare il materiale d'informazione, così come viene definito nel titolo 37, Codice dei Regolamenti Federali, Comma 1,56(a), che possa essere venuto ad aggiungersi nel periodo intercorso tra la data di presentazione della domanda precedente e la data nazionale o internazionale da PCT di presentazione di questa domanda:

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1,56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.) Numero di domanda	(Filing Date) (Data di deposito)	(Stato Giuridico) (concessa, pendente, abbandonata)	(Legal Status) (patented, abandoned)
			pending,
(Application Serial No.) Numero di domanda	(Filing Date) (Data di deposito)	(Stato Giuridico) (concessa, pendente, abbandonata)	(Legal Status) (patented, abandoned)
			pending,

Dichiaro inoltre con il presente che tutte le informazioni da me fornite sono per quanto mi consta vere e che tutte le affermazioni da me fatte sono per quanto mi consta vere; dichiaro inoltre che quando ho fatto queste affermazioni ero al corrente del fatto che false dichiarazioni fatte intenzionalmente sono punibili con multa o incarcerazione o ambedue, secondo quanto stabilito dalla sezione 1001 del Titolo 18 del Codice degli Stati Uniti e che tali informazioni intenzionalmente false possono mettere a repentaglio la validità della domanda di brevetto rilasciata in base ad esse.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## Italian Language Declaration

PROCURA: Io, sottoscritto inventore, nomino con la presente il seguente Procuratore (o Procuratori) o Agente (o Agenti) che si incarica di perseguire questa pratica e di portare a termine tutte le operazioni necessarie all'Ufficio Brevetti pertinenti a questa pratica. (Elencare il Nome e il Numero di Matricola)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

Recapito per la corrispondenza:

Send correspondence to:

SAMUELS, GAUTHIER & STEVENS LLP  
225 Franklin Street, Suite 3300  
Boston, Massachusetts 02110

Telefonare a: (Nome e Numero)

Direct telephone calls to: (name and telephone number):

Tel.: (617) 426-9130  
Fax.: (617) 426-2275

Nome completo dell'inventore primo o unico		Full name of sole or first inventor	
ROBERTO DEFEZ			
Firma dell'inventore	Data	Inventor's signature	Date
	31 MAY 2001		31 MAY 2001
Residenza		Residence	
VIA MARCONI, 10 - 80125 NAPOLI			
Cittadinanza		Citizenship	
ITALIAN			
Recapito o Casella Postale		Post Office Address	
VIA MARCONI, 10 - 80125 NAPOLI			
Nome completo del secondo inventore, se esistente		Full name of second joint inventor, if applicable	
Firma dell'inventore	Data:	Inventor's signature	Date
Residenza		Residence	
Cittadinanza		Citizenship	
Recapito o Casella Postale		Post Office Address	
Nome completo del terzo inventore, se esistente		Full name of third joint inventor, if applicable	
Firma dell'inventore	Data:	Inventor's signature	Date
Residenza		Residence	
Cittadinanza		Citizenship	
Recapito o Casella Postale		Post Office Address	

(Si prega di fornire le stesse informazioni e firme di eventuali terzi e più coinventori)

(Supply similar information and signature for third and subsequent joint inventors)

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SAMUELS, GAUTHIER & STEVENS, LLP  
225 Franklin Street, Suite 3300  
Boston, Massachusetts 02110

Telefonare a: (Nome e Numero)

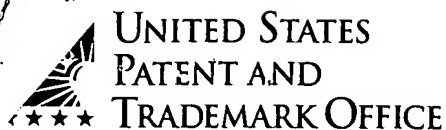
Direct telephone calls to: (name and telephone number):

Tel.: (617) 426 - 9180  
Fax.: (617) 426 - 2275

Nome completo dell'inventore primo o unico		Full name of sole or first inventor	
Firma dell'inventore		Inventor's signature	
Data		Date	
Residenza		Residence	
Cittadinanza		Citizenship	
Recapito o Casella Postale		Post Office Address	
Nome completo del secondo inventore, se esistente		Full name of second joint inventor, if applicable	
Firma dell'inventore		Inventor's signature	
Data:		Date	
Residenza		Residence	
Cittadinanza		Citizenship	
Recapito o Casella Postale		Post Office Address	
Nome completo del terzo inventore, se esistente		Full name of third joint inventor, if applicable	
Firma dell'inventore		Inventor's signature	
Data:		Date	
Residenza		Residence	
Cittadinanza		Citizenship	
Recapito o Casella Postale		Post Office Address	

(Si prega di fornire le stesse informazioni e firme di eventuali terzi e più coinventori)

(Supply similar information and signature for third and subsequent joint inventors)



NOVEMBER 30, 2001

SAMUELS, GAUTHIER & STEVENS LLP  
ARLENE J. POWERS  
225 FRANKLIN STREET, SUITE 3300  
BOSTON, MASSACHUSETTS 02110

PTAS

RECEIVED

DEC 1 0 2001

SAMUELS, GAUTHIER  
& STEVENS LLP

Under Secretary of Commerce For Intellectual Property and  
Director of the United States Patent and Trademark Office  
Washington, DC 20231  
www.uspto.gov



\*101900241A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 08/20/2001

REEL/FRAME: 012186/0612  
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
DEFEZ, ROBERTO

DOC DATE: 10/16/2000

ASSIGNOR:  
SPENA, ANGELO

DOC DATE: 10/16/2000

ASSIGNEE:  
G.I.N.E.S.T.R.A.  
SOCIETA CONSORTILE ARL  
P.ZZA CADUTI 20-37100  
VERONA, ITALY

ASSIGNEE:  
C.N.R.  
P.ZZALE ALDO MORO 7-00185  
ROMA, ITALY

SERIAL NUMBER: 09831577  
PATENT NUMBER:

FILING DATE: 08/27/2001  
ISSUE DATE:

012186/0612 PAGE 2

ANTIONE ROYALL, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



HONORABLE COMMISSIONER OF  
PATENTS AND TRADEMARKS  
WASHINGTON, D.C. 20231

11-28-2001



SIR:

101900241

PLEASE RECORD THE ATTACHED ORIGINAL DOCUMENT(S) OR COPY(IES) THEREOF.

## 1. NAME OF CONVEYING PARTY(IES)

Roberto DeFez

Angelo Spena

Additional name(s) of conveying party(ies) attached? No

## 2. NAME(S) AND ADDRESS(ES) OF RECEIVING PARTY(IES)

G.I.N.E.S.T.R.A.  
Società consortile a.r.l.  
P.zza Caduti 20-37100  
Verona, ITALY

C.N.R.  
P.zza Aldo Moro 7-00185  
Roma, ITALY

Additional name(s) of receiving party(ies) attached? No

## 3. NATURE OF CONVEYANCE

☒ Assignment  
☐ Security Agreement  
☐ Merger  
☐ Change of Name  
☐ Other

Execution Date: October 16, 2000

## 4. APPLICATION NUMBER(S) OR PATENT NUMBER(S)

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No(s): 09/831,577

B. Patent No(s): \_\_\_\_\_

C. Issue Batch No.: \_\_\_\_\_

D. Issue Date: \_\_\_\_\_

Additional numbers attached? No.

5. NAME AND ADDRESS OF PARTY TO WHOM  
CORRESPONDENCE CONCERNING DOCUMENT  
SHOULD BE DIRECTED:

Arlene J. Powers  
Samuels, Gauthier & Stevens LLP  
225 Franklin Street, Suite 3300  
Boston, Massachusetts 02110  
(617) 426-9180, Extension 110

6. TOTAL NUMBER OF APPLICATIONS  
AND PATENTS INVOLVED: 1

## 7. TOTAL FEE DUE: \$40.00 (Enclosed)

If any additional fee(s) are due, the Commissioner is hereby authorized to charge the Deposit Order Account noted in item 8.

## 8. DEPOSIT ACCOUNT NUMBER: 19-0079

## 9. STATEMENT AND SIGNATURE

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Arlene J. Powers

Name of Person Signing

Signature

Date

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United State Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Date: 8/20/01

Sarah Kennedy

Deed of Assignment (Before Patents)

**ASSIGNMENT**

WHEREAS,  
**Roberto Defez**, an Italian citizen,  
at **Via Marconi, 10 - 80125 Napoli**  
have invented certain new and useful improvements in **method to control gene expression in bacteria, namely rhizobiaceae, to improve root nodule development, nitrogen fixation and plant biomass production**  
for which we have made (are about to make) application for Letters Patent of the United States of America;

AND WHEREAS, **C.N.R. P.zzale Aldo Moro 7-00185 roma**  
is/are desirous of acquiring an interest therein and in the Letters Patent to be obtained therefor from the United States;

NOW THEREFORE, be it known by all whom it may concern, that for and in consideration of  
TEN Dollars (\$ 10.00= )  
to me/us in hand paid, the receipt of which is hereby acknowledged, **WE** have assigned, sold and set over, and by these presents do hereby assign, sell, and set over unto the said **C.N.R.**

\* **25%** **right**, title, and interest in and to the said invention, as fully set forth and described in the:

(a) specification prepared and executed by \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2001 ,

(b) application filed on the **8<sup>th</sup> november 1999**, Serial No. **PCT/IT99/00355**

preparatory to obtaining Letters Patent therefor; said invention, application and Letters Patent to be held and enjoyed by the said **C.N.R.**

for their own use and behalf, and for their legal representatives, to the full end of the term

for which said Letters Patent are granted, as fully and entirely as the same would have been held by us had this assignment and sale not been made.

IN TESTIMONY WHEREOF, **WE** have hereunto set our hands and affix our seals at

(Roberto Defez)

this 16th day of October, A.D. 2000

(Inventor's full Signature)

**ROBERTO DEFEZ** (SEAL) X

Witnesses:

Amelip Roske

Antonio Regolo (Seal)

\* State whether the full and exclusive right, or what part of the whole interest is assigned

Delete  
inapplicable  
wording

Deed of Assignment (Before Patents)

**ASSIGNMENT**

WHEREAS,  
**Roberto Defez**, an Italian citizen,  
at **Via Marconi, 10 - 80125 Napoli**  
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Delete  
inapplicable  
wording

preparatory to obtaining Letters Patent therefor; said invention, application and Letters Patent to be held and enjoyed by the said **C.N.R.**

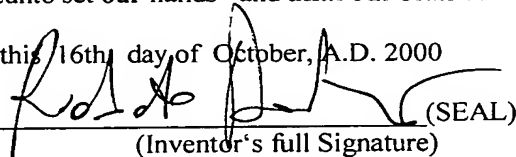
for their own use and behalf, and for their legal representatives, to the full end of the term

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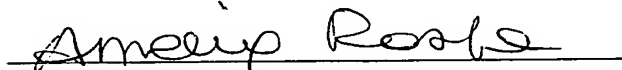
(Roberto Defez)

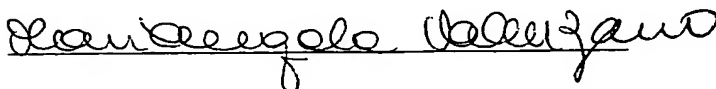
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 (SEAL) X  
(Inventor's full Signature)

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TEN Dollars (\$ 10.00= )  
to me/us in hand paid, the receipt of which is hereby acknowledged, **WE** have assigned, sold and set over, and by these presents do hereby assign, sell, and set over unto the said **C.N.R.**

\* **25%** **right**, title, and interest in and to the said invention, as fully set forth and described in the:

(a) specification prepared and executed by \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 200 \_\_\_\_\_,

(b) application filed on the **8<sup>th</sup> november 1999**, Serial No. **PCT/IT99/00355**

Delete  
inapplicable  
wording

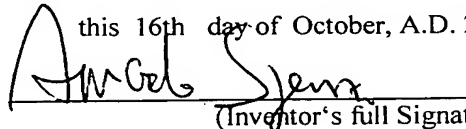
preparatory to obtaining Letters Patent therefor; said invention, application and Letters Patent to be held and enjoyed by the said **C.N.R.**

for their own use and behalf, and for their legal representatives, to the full end of the term

for which said Letters Patent are granted, as fully and entirely as the same would have been held by us had this assignment and sale not been made.

IN TESTIMONY WHEREOF, **WE** have hereunto set our hands and affix our seals at

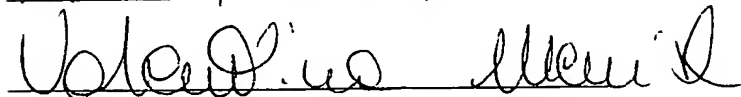
(Angelo Spena)

this 16<sup>th</sup> day of October, A.D. 2000  
 (SEAL)  
(Inventor's full Signature)

ANGELO SPENA (SEAL)

Witnesses:





\* State whether the full and exclusive right, or what part of the whole interest is assigned

Deed of Assignment (Before Patents)

**ASSIGNMENT**

WHEREAS,  
**Angelo Spena**, an Italian citizen,  
at **Via Zamboni 38/A-37100 Verona**  
have invented certain new and useful improvements in **method to control gene expression in bacteria, namely rhizobiaceae, to improve root nodule development, nitrogen fixation and plant biomass production**  
for which we have made (are about to make) application for Letters Patent of the United States of America;

AND WHEREAS, **Consiglio Nazionale delle ricerche -Pzzale Aldo Moro 7-00185 Roma**  
is/are desirous of acquiring an interest therein and in the Letters Patent to be obtained therefor from the United States;

NOW THEREFORE, be it known by all whom it may concern, that for and in consideration of  
TEN Dollars (\$ 10.00= )  
to me/us in hand paid, the receipt of which is hereby acknowledged, **WE** have assigned, sold and set over, and by these presents do hereby assign, sell, and set over unto the said  
**C.N.R.**

\* **25%** **right**, title, and interest in and to the said invention, as fully set forth and described in the:

(a) specification prepared and executed by \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 200 \_\_\_\_\_,

(b) application filed on the 8<sup>th</sup> november 1999, Serial No. **PCT/IT99/00355**

Delete  
inapplicatble  
wording

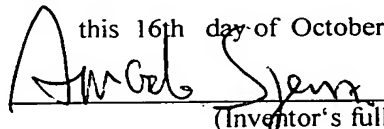
preparatory to obtaining Letters Patent therefor; said invention, application and Letters Patent to be held and enjoyed by the said **C.N.R.**

for their own use and behalf, and for their legal representatives, to the full end of the term

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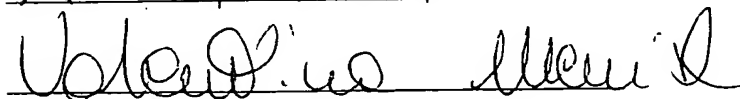
(Angelo Spena)

this 16<sup>th</sup> day of October, A.D. 2000  
 (SEAL)  
(Inventor's full Signature)

ANGELO SPENA (SEAL)

Witnesses:





\* State whether the full and exclusive right, or what part of the whole interest is assigned